

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of the State of Texas, *et al.*,

*Defendants.*

CIVIL ACTION NO.  
3:21-cv-00259-DCG-JES-JVB  
[Consolidated Action: Lead Case]

**DECLARATION OF JUANITA VALDEZ-COX**

1. My name is Juanita Valdez-Cox, and I am a resident of and registered voter in Hidalgo County, Texas. I am over the age of 18 and fully competent to make this declaration. I have personal knowledge of each of the matters stated in this declaration.
2. I am Latina and I have lived all my life in Donna, Texas. Donna is located in the Rio Grande Valley of Texas which includes the counties of Hidalgo, Cameron, Willacy and Starr. The Rio Grande Valley is located on the U.S. Mexico border. My home is located eight miles from the U.S. Mexico border.
3. I am a member, and serve as the Executive Director of La Unión Del Pueblo Entero (“LUPE”). LUPE is a non-partisan membership organization founded by labor rights activists César Chávez and Dolores Huerta, and headquartered in San Juan, Texas. LUPE’s mission is to build strong, healthy communities in the Texas Rio Grande Valley

through community organizing and civic engagement.

4. LUPE is a community union. A community union advocates to improve the lives of people where they live, including on issues of education, housing and immigration. The mission of LUPE involves working with those residents who lack basic necessities or feel the negative effects of some public policies, and build strong and healthy and prosperous communities in our colonias in south Texas.

#### LUPE's Membership

5. LUPE is a membership organization, and members of LUPE reside primarily in the Rio Grande Valley of Texas. LUPE has over 8,000 members, the majority of whom are Latino and many are immigrants. LUPE's membership also includes U.S. and naturalized citizens.
6. My neighborhood, as well as almost all the neighborhoods in our area of South Texas, is a low-income neighborhood. The Rio Grande Valley has many colonias, which are make-shift neighborhoods outside the formal city limits that lack infrastructure such as street paving, sewer service, street lights and signage. Colonia residents are typically low-income and we have a high percentage of mixed-status families, in which some members have immigration status in the U.S. and others do not.
7. A significant number of our members in the Rio Grande Valley, including those living in colonias, do not have a standard street address or an address that is known to the Census Bureau. This can be because they live in a second house built on the same lot as the first house, or because their house is not built on a street recognized by the county. Their marginal housing situation contributes to a sense of isolation and vulnerability.
8. In Hidalgo County and the Rio Grande Valley, the overwhelming majority of residents

are Mexican-American or Latinos, and we have high unemployment and low wages which creates deep poverty.

9. LUPE has members in all four counties of the Rio Grande Valley. Most of our members are low income and a majority participate in public programs such as Medicaid/Medicare, SNAP, WIC, section 8 housing, Head Start, and Pell grants; their children attend local public schools (that receive federal special education grants, free lunch funding and Title I funding), and members participate in public programs offered by local, county or state agencies that provide services for low-income individuals including women's health, substance abuse and mental health programs.
10. Many of our members who live in colonias also benefit from federal Community Development Block Grant (CDBG) funding to improve infrastructure in their neighborhoods including street lighting. Some LUPE members' reliance on safety net programs for their survival contributes to a reluctance to step forward individually to challenge discrimination by the government.

#### LUPE's Plaintiff History

11. LUPE has a rich history of securing legal victories on behalf of our membership against local, Texas state and federal governments. LUPE files lawsuits to challenge policies that deny our members' rights and subject members to discrimination, and to stop policies that negatively affect our members.
12. For example, in 2008, LUPE filed suit against the Federal Emergency Management Agency (FEMA) regarding a secret rule FEMA used to deny applications for financial relief filed by our members in the wake of Hurricane Dolly. The rule discriminated against LUPE members by denying home-repair assistance after the natural disaster.

Eight years later, LUPE won its suit and our affected members were able to apply for financial assistance to repair their inhabitable homes.<sup>1</sup>

13. In 2018, LUPE filed suit in federal court against the Census Bureau to challenge the Trump Administration's decision to add a citizenship question to the 2020 Census questionnaire. LUPE successfully fought against the citizenship question because of the possibility that the inclusion of such a question would have contributed further to the 2020 Census undercount and the resulting loss of federal funding for schools, roads, and social programs in the Rio Grande Valley.<sup>2</sup>

14. In 2019, LUPE filed suit on behalf of our members against Texas for the state's investigation and removal from the voter polls registered voters who were born outside the United States. LUPE successfully halted the purge of our targeted members who were naturalized citizen voters and who were stigmatized as persons who might have registered to vote illegally.<sup>3</sup>

15. In the past, no court has required LUPE to disclose our members' names when bringing litigation on behalf of our members.

#### Past Threats to LUPE Staff and Members

16. Our organization's staff and members have been subjected to harassment and threats of violence due to our work. We have filed multiple police reports due to these threats.

17. During the 2020 presidential election, two LUPE members and I volunteered as poll watchers. While outside of the polling place, a LUPE member was accosted by MAGA supporters. I was also confronted by a man who called LUPE a "terrorist organization".

---

<sup>1</sup> *La Union Del Pueblo Entero v. Fed. Emergency Mgmt. Agency*, No. 1:08-CV-487, 2017 WL 2539451 (S.D. Tex. Feb. 15, 2017)

<sup>2</sup> *La Union del Pueblo Entero v. Ross*, 353 F. Supp. 3d 381, 387 (D. Md. 2018).

<sup>3</sup> *Julieta Garibay, et al. v. David Whitley, et al.*, 2019 WL 5859594 (W.D. Tex.).

<https://lupenet.org/2019/04/28/election-protection-victory-halt-texas-voter-purge-naturalized-us-citizens/>

The man had a visible gun on his waistband and I feared he would shoot me and our members. The MAGA supporters shouted and taunted us by saying “you don’t belong here!”, “go away!” and “Trump is gonna win!” Our LUPE member called the police and the man with a gun was arrested by police.

18. In June 2016, then-presidential candidate Donald Trump, claimed Mexico was “send[ing] its people” to the United States and claimed arriving Mexicans were “bringing drugs” and “crime” and were “rapists.”<sup>4</sup> After Donald Trump’s comments, our staff received a death threat via email.

19. In 2015, LUPE staff and members were welcoming immigrants at a local bus station. We were approached by Anglo men we believe were Minutemen, an anti-immigrant militia group. One of the men held a megaphone close to a LUPE member’s ear and shouted into the member’s ear, causing physical pain to the member. The men were physically intimidating, and I stepped in between the member and the man to protect our member and force him to back away.

20. Over the years, our staff have received numerous calls to our offices from individuals who have insulted and threatened us due to LUPE’s work.

#### Concerns Regarding Membership Name Disclosure

21. One of the principal objectives of LUPE is to advocate for changes in policy and law that benefit the communities where LUPE members live and work. Our effectiveness in reaching that goal rests on the number of members we represent, the amount of revenue we generate from membership fees, and the trust our members place in us to represent

---

<sup>4</sup>“Donald Trump’s false comments connecting Mexican immigrants and crime,” The Washington Post, July 8, 2015, <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/>.

them.

22. LUPE has been able to secure the legal victories described above and more on behalf of our members because of our organization's long-standing policy and commitment to not release the names of our members.

23. Releasing the names of affected LUPE members in this lawsuit will injure LUPE as an organization. If LUPE were to release the names of members, that would negatively affect their confidence in LUPE as an organization that defends their rights. The idea that LUPE might share publicly any member's identity could cause hundreds or even thousands of members to discontinue their association with LUPE and seriously limit our revenue stream and effectiveness. For that reason, we never voluntarily share the identity of our members.

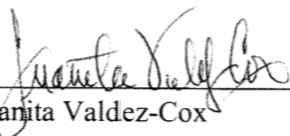
24. In addition, LUPE's members fear violence and retaliation in response to their participation in a lawsuit challenging governmental conduct. They are afraid of being named in this and any lawsuit due to the intimidation and discrimination they have suffered as a result of the very policies they challenge in court. They fear retaliation and the very real possibility that they could lose their jobs if their names are made public. Our members also face the same risks of violence I, our staff and other members have encountered if their names were publicly disclosed.

25. Many of our members are in household that contain mixed immigration status families, where some family members have immigration status and some members do not. These LUPE members worry that the government might target and investigate their family members if the LUPE members' names are revealed in connection with a lawsuit challenging governmental conduct.

26. Policies and efforts such as the Migrant Protection Protocol, Census citizenship question, Operation Lonestar and the Voter Purge disproportionately affect our local communities and our families. As a result, our members in the Rio Grande Valley fear retaliation by government authorities for participation in lawsuits.

27. Our members are directly targeted and affected by these policies. LUPE as an organization stands up for our members and pushes back against these policies for the ways in which they discriminate against and harm our membership. We are effective at this activity because we organize and campaign to bring thousands together to create change- no one person stands alone. Our strength is in our numbers, and our ability to continue to combat discriminatory policies, limit their harm and improve our communities rests in being able to protect our members by not revealing their names in this lawsuit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 22, 2022.

  
\_\_\_\_\_  
Juanita Valdez-Cox